

Remarks

In the Office Action, the Examiner first rejected claims 1, 4, 17, 22, 23, 25 and 27 under 35 USC §102(b) as being anticipated by *Dunbar*.

Dunbar discloses a vehicle mounted loading “hoist.” The hoist is mounted on a truck bed supported by multiple axles. The loading hoist is not a “crane” in that it has only a very limited reach to load and unload pallets from the truck bed. Its function is to lift a loaded pallet and pivot to position the loaded pallet outside of the bed to unload the pallet. col. 3, lines 53-55. The boom is not telescopic nor does it have a 16 foot reach. One of ordinary skill in the art would not consider the hoist of *Dunbar* to be a crane. Furthermore, the mast in *Dunbar* rolls along rails and is not supported at a fixed position on a trailer.

The Examiner next rejected claims 1, 4, 6-8, 11, 17, 19, 20, 22, 23, 25 and 27 under 35 USC §102(b) as being anticipated by *Gilbers*. Applicant has had this German language reference translated (attached). *Gilbers* does not disclose a telescopic boom. While *Gilbers* discloses a single axle trailer, the crane post is not located vertically aligned with the axle, the crane post or mast is located forward of the axle. In fact, a significant weight of the crane is forward of the axle and must be supported by the front hitch carried by the towing vehicle. Furthermore, an additional complication is caused by *Gilbers* wherein the operator station is fixed to rotate with the mast or post on the trailer. This provision requires additional floor area on the trailer to accommodate a rotating platform, as demonstrated as Figure 3.

The Examiner next rejected claims 1, 7, 9, 10, 17, 22, 23, 25 and 27 under

35 USC §102(b) as being anticipated by *Birbanescu et al.*

Birbanescu does not disclose a telescopic boom, or an operator's station mounted independently of the center post. The reference does not disclose a center post extending from the trailer vertically aligned between the wheels of the single axle, or an attachment for connecting a lifting line to the boom.

Birbanescu discloses a trailer mounted television camera crane.

The Examiner next rejected claims 1, 4, 6, 7, 9-11, 17, 19, 22, 23, 25, 27, and 32 under 35 USC §102(b) as being anticipated by *Wellman*.

Wellman does not disclose a single axle trailer, or an operator station mounted independently of the center post. Such a tower crane in *Wellman* could not be configured in a compact manner on a single axle trailer.

The Examiner next rejected claim 27 under 35 USC §102(b) as being anticipated by *Cook*. Applicant has previously pointed out that the boom in *Cook* carries a bucket and is not a crane boom. Applicant has amended claim 27 to clarify that the boom according to the invention is a telescopically extendable boom, and that the boom has an attachment at its free end to attach a lifting line, such as a cable or chain. Such components are not disclosed or suggested by *Cook*.

The Examiner next rejected claims 27 and 28 over *Citron et al.* *Citron* discloses a personnel lift and not a crane. The boom in *Citron* is not telescopic and does not include an attachment for attaching a lifting line. There is no suggestion in *Citron* to use a personnel lift to carry an operator *and* to serve as a crane to support a lifting line.

The Examiner next rejected claims 3 and 24 under 35 USC §103(a) as being unpatentable over *Newton, Longent, Dunbar, Gilbers, or Birbanescu et al.* However, based on the distinctions pointed out above these claims should be allowable based on the allowability of the base claims.

The Examiner next rejected claims 1, 2, 4-8, 11-22, 23, 25, 27, and 29-32 under 35 USC §103(b) as being unpatentable over *Haverkamp et al.* in view of *Gilbers*. However based on the asserted allowability of the base claims above, over *Gilbers*, these claims should be allowable as well.

The Examiner next rejected claim 21, under 35 USC §103(b) as being unpatentable over *Gilbers*. However based on the asserted allowability of the base claim above, over *Gilbers*, this claim should be allowable as well.

The Examiner next rejected claims 1, 4, 6, 7, 9-11, 17, 20, 22, 23, and 25-28 under 35 USC §103(b) as being unpatentable over *Zielman* in view of *Johnston et al.*

However, *Zielman* does not disclose a compact trailer having a center post arranged between wheels of a single axle trailer. *Zielman* does not disclose the center post being located vertically aligned with the axle. *Zielman* does not disclose an operator's station mounted independently of the center post. *Johnston* also does not disclose these features.

The Examiner next rejected claims 27 and 29-32 under 35 USC §103(b) over *Haverkamp* in view of *Cook*. Neither *Haverkamp* nor *Cook* discloses the trailer mounted crane as described in claim 27, as amended. Particularly, *Cook* does not disclose a crane having a telescopically extendable boom.

Applicant has added new claims 33 through 35 that describe patentable subject matter. Particularly, the invention provides a compact apparatus for performing sheet piling in close quarters and in hard to access areas by combining the crane function and the sheet piling function on a single towable trailer frame. It has heretofore been unknown to combine these functions on a compact towable frame. For example *Haverkamp et al.* describes a hydraulically driven vibratory driver being supported from a crane, but does not disclose or suggest the hydraulic controls of the vibratory driver being incorporated onto the crane platform. Since cranes are expensive and typically serve other lifting functions, it would not be suggested by the prior art to customize such a crane to include integrated sheet piling power unit and functional controls on the crane frame. The heretofore known vibratory pile driver equipment is typically supported by a backhoe wherein the vibratory equipment is separately stationed and controlled, requiring either the attention of two operators for the respective backhoe and vibrator operation.

The present invention of claims 33 through 35 provides a self-contained crane and sheet piling apparatus that is not suggested or taught in the prior art, wherein one operator can control the crane and the vibratory sheet pile driver from a single control station and the crane and sheet piling power units are integrated on a single trailer frame. The same explanation of patentability applies to dependent claim 12, which should be allowable as well.

Applicant asserts that all claims are in condition for allowance and request
issuance of the application.

Respectfully submitted,

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